

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

JAVIER M. HERNANDEZ,	)	
	)	
Petitioner,	)	No. C 04-2710 CRB (PR)
	)	
vs.	)	ORDER
	)	
A. A. LAMARQUE, Warden,	)	(Docs # 17, 18 & 19)
	)	
Respondent.	)	
_____	)	

Per order filed on July 15, 2005, the court denied Javier M. Hernandez's petition for a writ of habeas corpus under 28 U.S.C. § 2254 on the merits. Hernandez specifically raised three claims in his petition – the record was inadequate for the California Court of Appeal to conduct a meaningful review, the evidence is insufficient to sustain the finding that Hernandez suffered a prior strike conviction, and trial counsel offered ineffective assistance by failing to object to the introduction of hearsay evidence contained in the section 969b packet on which the trial court relied to find that Hernandez had suffered at least one prior strike conviction.

1           Hernandez has since submitted several letters to the court stating that he  
2           wishes to present additional claims he presented to the state superior court.  
3           Hernandez may not now raise additional claims in this closed matter. He may  
4           perhaps file a second petition for a writ of habeas corpus, but he must first get  
5           permission to do so from the United States Court of Appeal for the Ninth Circuit.  
6           See 28 U.S.C. § 2244(b)(3)(A) (before a second or successive petition may be  
7           filed in the district court, the petitioner must first obtain an order from the court  
8           of appeals authorizing the district court to consider the petition).

9           SO ORDERED.

10          DATED: Aug. 4, 2006

  
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CHARLES R. BREYER  
United States District Judge